UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1996/342
8 May 1996
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 8 MAY 1996 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF THE LIBYAN ARAB JAMAHIRIYA
TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF
THE SECURITY COUNCIL

I have the honour to transmit to you herewith a letter addressed to you by Mr. Omar Mustafa Al-Muntasser, Secretary of the General People's Committee for Foreign Liaison and International Cooperation of the Libyan Arab Jamahiriya, concerning statements being made by officials of the United States Administration that indicate that the United States is preparing to take large-scale military action against the Libyan Arab Jamahiriya.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Ali Sunni MUNTASSER
Deputy Permanent Representative
Chargé d'affaires a.i.

96-11892 (E) 090596 090596 100596

/...

Annex

Letter dated 7 May 1996 from the Secretary of the General People's Committee for Foreign Liaison and International Cooperation of the Libyan Arab Jamahiriya addressed to the President of the Security Council

You have no doubt been following the statements that Secretary of Defense William J. Perry and other officials of the United States Administration have been making for more than a month now, all of them indicating that the United States of America is preparing for large-scale military action against the Libyan Arab Jamahiriya on the pretext of preventing it, as it says, from producing chemical weapons at a plant under construction near the town of Tarhunah.

The Libyan Arab Jamahiriya would like to alert you and the international community to the dangerous character of the designedly hostile intentions of the United States of America towards the people of the Libyan Arab Jamahiriya and to the threat posed by these intentions to peace and security in the Arab world and the Mediterranean region.

The gravity of the situation lies in the fact that the threatened use of force emanates from a country that is a permanent member of the Security Council and one that possesses enormous military capacities. It has long used these capacities in a tyrannical manner that has caused human catastrophes and human tragedies in various parts of the world. The brutal aggression committed by the United States Administration against the Libyan Arab Jamahiriya in 1986 is not far from our minds. On that occasion the United States Administration based its threat to use force on false allegations fabricated by the Central Intelligence Agency (CIA), a body with an ample record of producing reports and formulating positions that have led to grave mistakes. Examples we have cited in the past where such reports lacked any truth include the Berlin nightclub incident that was the pretext for the 1986 attack on the Libyan Arab Jamahiriya, the incident in which it was falsely claimed that the Chinese ship Vin He was carrying chemicals to be used in the development of chemical weapons, and the outcry contrived by the United States Administration in connection with the pharmaceutical plant at Rabtah.

The gravity of the situation lies also in the fact that current and former officials of the United States Administration have been led to imagine the kind of attack that can be made on the site of the plant. Media reports in this connection reveal dangerous flaws in thinking, just as they reveal contempt for humanitarian principles, norms and values. According to a former deputy assistant secretary of defense and expert in chemical weapons, everyone is engrossed in seeking the silver bullet that can solve the problem. Some of the media have even referred to CIA reports that address the possibility of destroying the plant with an atomic bomb, although this is incompatible with the undertakings given by the United States with regard to ensuring that nuclear weapons are not used against States that are parties to the Treaty on the Non-Proliferation of Nuclear Weapons. Resort to such a reckless action is not unlikely, given that when asked of this Mr. Perry replied that he did not

exclude any option. The most recent statement of relevance is that published by the magazine Al-Majallah and attributed to a programme director in the United States Department of Defense (copy attached). The frenzied call by the prime minister of the Zionist entity for an international alliance against Libya, Iraq and Iran must also be borne in mind in this connection.

The United States of America is trying to mobilize international public opinion against the Libyan Arab Jamahiriya and to incite countries against it, and it expresses its deep concern. It does all of this on the basis of reports fabricated by the CIA, and it is not ashamed to do so while turning a blind eye to the actual dangers of the Israeli nuclear arsenal. It is even the case that it expresses no concern at the risks arising out of the safety situation at the Israeli nuclear reactor at Dimona despite growing doubts in the region and even in Israel itself concerning safety procedures there.

As it denies in the strongest terms the United States claims that there is a plant for the production of chemical weapons near the town of Tarhunah, the Libyan Arab Jamahiriya would like to call attention to the grave character of the United States threats, which are totally incompatible with the purposes of the United Nations as they relate to the maintenance of international peace and security and the promotion of friendly relations among nations. This policy is also incompatible with the principle of the non-use of force in international relations.

I should be grateful if you would have this letter and its enclosure circulated as a document of the Security Council.

(Signed) Omar Mustafa AL-MUNTASSER
Secretary of the General People's Committee
for Foreign Liaison and International Cooperation

Enclosure

Article from Al-Majallah, issue No. 847, 5-11 May 1996, page 12

THE UNITED STATES NEEDS TWO YEARS TO DESTROY THE LIBYAN PLANT

Harold Smith, Assistant to the United States Secretary of Defense for Nuclear, Chemical and Biological Defense Programs, has said that the United States will need at least two years to develop a non-nuclear weapon capable of destroying the chemical weapons plant that the United States Government claims Libya is presently building inside a mountain. The United States official indicated, in particular, that two unsuccessful experiments have thus far been carried out on a bomb capable of destroying underground sites such as that of the plant, which Libya denies is intended for weapons production.

The special fuzes designed to ignite the high explosives after the bomb penetrates deep inside the facility were unable to perform this task during the two experiments carried out at the White Sands proving ground in New Mexico.

The Libyan plant, which Director of Central Intelligence John M. Deutch says will be the largest chemical weapons factory in the world, may be ready to go into operation within a year according to United States officials. United States Secretary of Defense William J. Perry has stated that the United States cannot allow this to happen.

Libyan leader Muammar Qaddafi, for his part, says that the plant is part of a water distribution network, and he has offered to give his agreement, subject to certain conditions, to allowing an inspection team to verify that fact.

S/1996/343

Readex
Fiche

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1996/343
8 May 1996

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE SITUATION CONCERNING WESTERN SAHARA

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1042 (1996) of 31 January 1996, requesting me to report to the Council by 15 May 1996. In that resolution, the Council expressed deep concern about the stalemate hindering the completion of the identification process and the consequent lack of progress towards the completion of the settlement plan, and called upon the two parties to cooperate with the Secretary-General and the United Nations Mission for the Referendum in Western Sahara (MINURSO) in resuming the identification process. The Security Council supported my intention, in the absence of meaningful progress towards completion of the plan, to submit for consideration a detailed programme for a phased withdrawal of MINURSO.

2. The present report sets out the efforts made since January to implement the settlement plan and the difficulties encountered. Section II addresses the identification process; section III covers other aspects of the plan; section IV the activities of the military and civilian police components and section V discusses the financial aspects. The report concludes with some observations and recommendations.

II. IDENTIFICATION COMMISSION

3. On 1 February 1996, immediately after the adoption of resolution 1042 (1996), my Acting Special Representative, Mr. Erik Jensen, wrote to both parties proposing an early meeting to discuss the resumption of the identification process. A detailed programme to complete the identification of all remaining applicants within 26 weeks was prepared for submission to the parties. The programme had been drawn up by the Identification Commission on the basis of the assurances given to my Special Envoy during his mission to the region from 2 to 9 January 1996, as reflected in paragraph 9 of my report of 19 January (S/1996/43).

96-11898 (E) 090596

4. On 5 February, my Acting Special Representative met in Laayoune with representatives of the Government of Morocco, who took note of the identification programme, requested supplementary information and proposed another meeting. Additional elements were provided and, on 8 February, the Minister of the Interior, Mr. Driss Basri, informed my Acting Special Representative that the proposed programme required further discussion at Rabat. During a high-level meeting on 15 February, the Government indicated that it wished to proceed with identification in accordance with the settlement plan. It said it would accept the proposed programme, provided there was no differentiation of treatment between different tribes and tribal groupings of the 1974 census and no new identification centres became operational before all remaining applicants were identified at existing centres.

5. The practical consequence of these Moroccan provisos was that it would not have been possible to postpone processing of the contested groups. Morocco asserted that it was not party to any compromise on this subject. In addition, until the identification process had been completed, it totally opposed the issuing of the lists referred to in paragraph 16 of my report (S/1996/43). It contended that disclosure of the lists would be an unacceptable departure from the provisions of the settlement plan and had not been approved by the Security Council.

6. Subsequently, the Government modified its position so as to facilitate the resumption of identification. On 6 March, the Minister of the Interior informed my Acting Special Representative that, in a spirit of compromise, the identification process could restart with applicants from groups not contested by the Frente POLISARIO (tribes A to G), on the understanding that, from the fourth week, applicants from some H, I and J tribal groups would be included. Morocco agreed that the more contentious H41, H61 and J51/52 groupings could be considered from the seventh week. However, the Moroccan position against the disclosure of the lists remained unchanged.

7. At first, Frente POLISARIO officials indicated to my Acting Special Representative that they were unable to discuss formally the resumption of the identification process until the return to the Tindouf area of Mr. Mustafa Bachir Sayed, Frente POLISARIO Coordinator with MINURSO. Nevertheless, my Acting Special Representative requested the Chairman of the Identification Commission to deliver the proposed programme to Mr. Embamed Jaddad, Chairman of the Frente POLISARIO Subcommission on Identification. The latter said that he was not authorized to take receipt of it. In a subsequent discussion, he said that the Frente POLISARIO believed that the Secretary-General's report of 19 January 1996 contained certain misunderstandings: the Frente POLISARIO's position had always been, and still was, that all the "Tribus del Norte", "Chorfa" and "Costeras y del Sur", known as H, I and J, were unacceptable for identification because they were groupings of tribes and were not composed of subfractions in the strict sense of the 1974 Spanish census.

8. Upon his return to the Tindouf area, Mr. Bachir indicated that he did not wish to meet with my Acting Special Representative to consider identification only. He wished instead to discuss the settlement plan as a whole, at a meeting to be attended by the heads of all the MINURSO components, as well as by the

Independent Jurist. Furthermore, he did not see the utility of discussing the proposed identification programme until such time as all the lists had been made available to the Frente POLISARIO. A meeting was eventually arranged on 20 February. Other meetings followed and, on 4 April, while expressing the Frente POLISARIO's wish to proceed with identification and the implementation of the settlement plan, Mr. Bachir agreed to participate in the processing of applicants from groups A to G. He accepted the identification programme proposed for the first three weeks, provided that the lists of persons found eligible to vote were made available before the end of that period. He further indicated that the Frente POLISARIO would not commit itself to participate in the identification of applicants from the contested H to J groups.

9. It has thus proved impossible to resume identification, as called for by the Council. It will be realized that the settlement plan provided, as the original timetable made clear, for close linkage between the cease-fire and the political process. Although agreement was reached for the cease-fire to come into effect on 6 September 1991, it was only in April 1994 that a basis was found, and agreed upon, to begin the identification process. After a number of critical problems were resolved, identification began in August 1994 and, after initial difficulties and interruptions, continued at an increasing pace until the following August. By the autumn of 1995, a large percentage of applicants from the uncontested groups in the Territory and the refugee camps near Tindouf had been processed before it became apparent that irreconcilable differences between the parties about which further applicants could be presented for identification could not be overcome.

10. Since its inception, the identification process has been based on the agreement of both parties and their willingness to cooperate. At each session, representatives of both the Government of Morocco and the Frente POLISARIO have been present, in addition to the tribal leaders (one from each side) and an observer for the Organization of African Unity (OAU). The process has been conducted in an open and transparent manner and the procedure has not been seriously challenged by either side. However, participation cannot be imposed on the parties. Proposals to permit the Identification Commission to act more independently have been rejected. At this stage, even making available the lists of persons found eligible to vote is unlikely to resolve the problem of how to identify the many applicants from the groups in whose identification the Frente POLISARIO will not participate, and on whose identification Morocco insists. The settlement plan was complex from the outset and its implementation, which has reached this stage only through creative compromises, appears to have come to an impasse, as described above.

11. More than 60,000 persons have been identified to date and over 77,000 convoked. These are significant figures, if compared with the figure of 73,497 in the revised census list, even though 156,924 applicants remain to be identified. The achievement to date has been important in respect of the procedures established, the logistical arrangements, and the work completed, as well as the interaction between long-separated Saharans as a result of the movement of individuals from one side to the other. The findings of the Identification Commission have been meticulously reviewed for accuracy and consistency, consolidated and data-processed. Even though the identification

/...

process cannot continue under the present circumstances, this valuable information can be of use at a later stage.

III. OTHER ASPECTS OF THE SETTLEMENT PLAN

12. There has been no significant progress on the implementation of other aspects of the plan, such as the release of political prisoners, the exchange of prisoners of war, the reduction of Moroccan forces and the confinement of Frente POLISARIO troops. It would appear that these issues would be seriously addressed only after the impasse on identification had been resolved. On 2 May, the Government of Morocco submitted some additional preliminary observations on the draft code of conduct for the referendum for consideration by MINURSO.

13. The Office of the United Nations High Commissioner for Refugees (UNHCR) has continued its activities, and has updated the repatriation plan drawn up in 1991. In view of the state of the identification process, no deployment of UNHCR staff to Laayoune has been necessary to date. UNHCR is, however, continuing its assistance programme for the refugees in the Tindouf area, where it has established a presence and is currently discussing its level with the authorities. The cost estimates for the UNHCR repatriation project have been revised to $43,875,641.

14. The non-governmental organization, Action internationale contre la faim (AICF), has carried out, with UNHCR guidance, preparatory work for water requirements around potential repatriation sites. Although $2,145,000 were obligated by UNHCR for this work, no funds have been committed to AICF, given the lack of fixed dates for the referendum and the repatriation operation.

IV. MILITARY AND CIVILIAN POLICE ASPECTS

Military component

15. On 1 April 1996, Major-General José Eduardo Garcia Leandro (Portugal) replaced Brigadier-General André Van Baelen (Belgium) as Force Commander. The current strength of the military component stands at 288, comprising 240 military observers and 48 military support personnel.

16. During the reporting period, the military component of MINURSO has continued to monitor and verify the cease-fire. There have been no confirmed violations. Recent complaints about alleged overflights could not be verified.

17. The cease-fire has now held for nearly five years. The presence and activities of United Nations military observers have contributed to this achievement, which clearly must be sustained.

18. In keeping with the options I outlined in my report to the Council of 19 January 1996, and pursuant to resolution 1042 (1996), I sent a technical team last month to examine the current functions of the MINURSO military component and to determine whether its size could be reduced, while still permitting it to

play an effective role in monitoring the cease-fire and verifying allegations of violations.

19. Following a careful review of options formulated by the team, I have concluded that it is possible to reduce the strength of the military component without impairing its operational effectiveness in the field, as described in the observations section of the present report.

Civilian police component

20. During the reporting period, the civilian police component of MINURSO, headed by Brigadier-General Walter Fallmann (Austria), was reduced from 91 to 44, in keeping with the reduced activity in identification. The component has provided technical assistance to the Identification Commission and maintained a 24-hour security presence at all identification centres.

V. FINANCIAL ASPECTS

21. By its resolution 49/247 of 20 July 1995, the General Assembly authorized me to enter into commitments for the operation of the Mission for the period after 30 September 1995 at a monthly rate not to exceed US$ 5,592,500 gross, subject to the extension of the mandate of MINURSO by the Security Council.

22. My proposed budget for the maintenance of the Mission for the period from 1 July 1996 to 30 June 1997 (A/50/655/Add.1) has been submitted to the General Assembly for consideration at its resumed session. The cost of maintaining MINURSO at its currently authorized strength is estimated at US$ 4,361,250 gross ($4,038,000 net) per month beginning on 1 July 1996. However, should the Council decide to extend the mandate of MINURSO at the reduced strength, as proposed in paragraph 30 below, the cost of maintaining the Mission during the extension period will entail a downward adjustment of the monthly rate indicated above. It is my intention to submit revised cost estimates to the General Assembly shortly for its consideration.

23. As at 30 April 1996, unpaid assessed contributions to the MINURSO special account for the period since the inception of the Mission to 31 May 1996 amounted to $51.4 million. In order to meet the operating cash requirements of MINURSO, loans amounting to $3 million were made to the MINURSO special account from other peace-keeping accounts. These loans remain unpaid. The total outstanding assessed contributions for all peace-keeping operations as at 30 April 1996 was $1,742.3 million.

VI. OBSERVATIONS

24. In my last report to the Security Council (S/1996/43), I had expressed the hope, in the light of the discussions of my Special Envoy during his mission to the region earlier this year, that the identification of potential voters could resume without further delay. Regrettably, as a result of the positions of the parties, described above, all efforts to achieve that result have so far been frustrated. Although both the Government of Morocco and the Frente POLISARIO

profess their commitment to the settlement plan and to the identification process, the impasse reached at the end of 1995 continues.

25. Morocco maintains that, in accordance with the plan, all persons for whom applications were received on time should be presented for identification, without discrimination between different tribal groups. However, it has agreed to resume the process by starting with members of non-contested groups, on the understanding that all applicants would eventually be processed.

26. The Frente POLISARIO has reaffirmed its readiness to participate, in accordance with the settlement plan, in the identification of applicants who are members of subfractions included in the 1974 census. However, for the Frente POLISARIO, "subfractions included in the 1974 census" do not include those tribal groupings listed under the codes H, I and J; in these groups, the Frente POLISARIO would agree to identify only individuals included in the census and members of their immediate family. At the same time, the Frente POLISARIO insists on receiving the lists of persons already processed and found eligible to vote. Morocco, on the other hand, rejects the issuance of lists prior to the completion of identification on the grounds that this would be contrary to the plan and is not endorsed by the Security Council.

27. I have myself so far undertaken two missions to the region in an effort to resolve the problems which have been impeding the implementation of the settlement plan. In June 1995, the Security Council dispatched its own Special Mission to the area to impress upon the parties the necessity of cooperating fully with MINURSO in the implementation of all aspects of the settlement plan, to assess progress and to identify problems in the identification process. Last January, I sent a Special Envoy to try to break the deadlock in that process.

28. In addition, my Acting Special Representative has been working closely with both sides for the past three years trying to overcome difficulties in the identification process and in the implementation of other aspects of the settlement plan. Although he has accomplished a great deal, the impasse over identification persists. The Independent Jurist has also made two visits to address the question of political prisoners and detainees but without substantive results.

29. I am compelled to conclude that the required willingness does not exist to give MINURSO the cooperation needed for it to resume and complete the identification process within a reasonable period of time. In these circumstances, I feel obliged to recommend that the identification process be suspended until such time as both parties provide convincing evidence that they are committed to resuming and completing it without further obstacles, in accordance with the settlement plan, as mandated by the Security Council.

30. The suspension of the identification process will mean that the remaining members of the Identification Commission will leave the mission area at the end of May 1996, with the exception of a few who will be required to ensure the orderly closure of the remaining centres and the storage of the identification data. The records of the Identification Commission will be transferred to the United Nations Office at Geneva for safe-keeping.

31. Suspension of identification will also entail the withdrawal of the civilian police component, except for a small number of officers to maintain contacts with the authorities on both sides and to plan for eventual resumption of the identification process.

32. On the military side, the maintenance of the cease-fire has been a major achievement of MINURSO. Its presence has contributed to regional security, and the countries in the region feel that its withdrawal could result in instability, with potentially serious consequences for all concerned. I share this view but at the same time I am convinced that a reduction in the size of the military component can be achieved.

33. I therefore propose a reduction in the strength of the military component of MINURSO by 20 per cent, from 288 to 230 military personnel, with concomitant savings. This should permit further reductions in civilian support staff, the extent of which will be ascertained in the context of adjustments to the mission as a whole.

34. This proposal will not, however, reduce the number of team sites in the field, or curtail patrolling activity. Nor will it interrupt the daily contacts with the military forces of each side, which are essential to maintaining confidence. At 8 of the 10 sites, the strength would be trimmed to 16 officers, while the remaining 2 would have a staff of 20. The consequent slight reduction in the size of the north and south sector headquarters would make it necessary to upgrade the communications equipment linking the sites with one another and with MINURSO headquarters. Good communications are particularly important, given the great size of the territory (266,000 square kilometres), the often harsh weather conditions and the scanty infrastructure.

35. My recommendation to suspend the work of the Identification Commission and to reduce the number of civilian police and military observers implies no lessening of resolve to discharge the mandate entrusted to the Secretary-General by the Security Council. The United Nations cannot abandon its responsibility. The international community must remain determined to see not only peace maintained in the region but every effort made for the people of Western Sahara to decide on their future status in a way that will bring lasting peace and stability.

36. In a continuing effort to overcome existing obstacles, I propose to maintain a political office, headed by my Acting Special Representative and staffed by a small number of political officers, in Laayoune, with a liaison office in Tindouf. That office will maintain a dialogue with the parties and the two neighbouring countries (Algeria and Mauritania) and will facilitate any other effort that could help set the parties on a course towards an agreed formula for the resolution of their differences.

37. I am also hopeful that through a continuing political presence some humanitarian issues, such as the release of Saharan political prisoners and the exchange of prisoners of war, could be resolved without waiting for other aspects of the plan to be implemented. The action taken last November to repatriate a number of aged and sick prisoners of war shows that some progress can be achieved on humanitarian grounds.

38. While reluctantly accepting that conditions do not at present exist for achieving the ultimate objective of the settlement plan, namely, a free and fair referendum, I am conscious of the necessity to keep searching for solutions to the impasse in Western Sahara and to build upon the existing achievement of identifying more than 60,000 applicants and meetings between friends and families who had not seen each other for over 20 years. For this reason, I have instructed my Acting Special Representative to continue to explore with the parties and the neighbouring countries, confidence-building measures that might allow the resumption of contacts among all concerned. I would urge Member States that are in a position to help to continue to exert their influence to facilitate this process. In the meantime, I recommend the extension of MINURSO's mandate for a period of six months at the reduced strength outlined above.

Annex

COMPOSITION OF MINURSO MILITARY AND CIVILIAN POLICE COMPONENT

MILITARY OBSERVERS

	TROOPS	UNMOs	TOTAL
Argentina		2	2
Austria		4	4
Bangladesh		7	7
China		20	20
Egypt		12	12
El Salvador		2	2
France		27	27
Ghana	8	6	14
Greece		1	1
Guinea		3	3
Honduras		14	14
Ireland		9	9
Italy		6	6
Kenya		10	10
Malaysia		15	15
Nigeria		4	4
Pakistan		5	5
Poland		3	3
Portugal (FC)		1	1
Republic of Korea	40	2	42
Russian Federation		30	30
Tunisia		9	9
Uruguay		15	15
United States of America		30	30
Venezuela		3	3
TOTAL	48	240	288

CIVILIAN POLICE OFFICERS

	CIVPOL
Austria	8
Egypt	0
Germany	3
Ghana	0
Hungary	13
Ireland	0
Nigeria	0
Norway	2
Togo	8
Uruguay	10
TOTAL	44

Map No. 3691 Rev. 8 UNITED NATIONS
May 1996

Department of Public Information
Cartographic Section